IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 2 OF 2006.

The Managing Director, Shri Laxmi Mahila Sahakari Bank Ltd. ... Appellant.

Versus.

The Chief Officer, Miraj Nagar Parishad, Miraj. ... Respondent.

Shri R.V.More for the Appellant.

Shri N.V.Walavalkar, Senior Advocate i/by Shri G.H.Keluskar for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 24th MARCH, 2006.

P.C.:

1. Heard Shri More, learned Counsel appearing for the Appellant and Shri Walavalkar, learned Senior Counsel appearing for the Respondent.

2. In a suit filed by the Respondent/Plaintiff against the Appellant a decree for possession has been passed by the trial Court after termination of the tenancy by issuing notice under section 106 of the Transfer of Property Act, 1882. The said decree for possession has been confirmed by the Appellate Court.

3. There is no dispute between the parties that the Appellant was not protected by any Rent control legislation. There is no dispute about the service of notice under section 106 of the said Act of 1882. After considering the amendment to the said Act of 1882 made

by the Act 3 of 2003, the Appellate Court has held that the notice is legal and valid.

4. No interference is called for with the concurrent findings recorded by the Courts below on this respect. There is no merit in the Second Appeal. The Appeal is dismissed with no order as to costs.

5. On the request made by Shri More, the learned Advocate appearing for the Appellant, the decree for possession shall not be executed for a period of 8 weeks from today subject to condition that the Appellant will not part with possession of the suit premises.

Judge.